

REMARKS

In the Advisory Action there appeared the following Examiner comments made in response to the discussion presented in the Applicant's last Amendment.

1) In response to the Applicant's Rejection A discussion, the Examiner indicates that "the outer pillow **member** of the device shown by Bonaddio et al. to be a monolithic pillow".

2.) In response to the Applicant's Rejection B discussion, the Examiner indicates that "Veilleux et al. '725 expressly teach an entire pillow **member (11)** made of visco-elastic foam.

3.) In response to the Applicant's Rejection C discussion, the Examiner indicates that the points raised by the Applicant in this section were not understood.

4.) In response to the Applicant's Rejection D discussion, the Examiner indicates that "the structure is taught by Bonaddio et al '158 and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233."

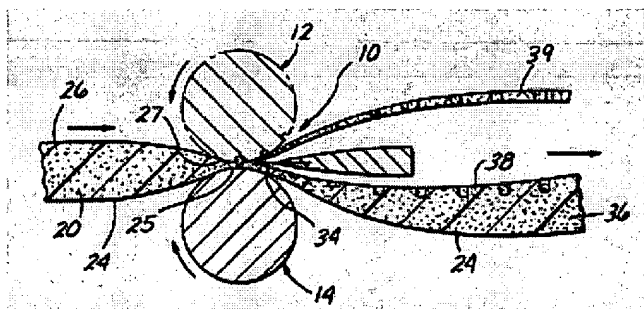
For the reasons set out below each of 1, 2 and 4 above are traversed and the points raised relative to 3 above is further discussed for a better appreciation of the deficiency in the prior art and the obviousness rejection based on that prior art.

Considering 1) above, the indication that the outer **pillow member** of the device shown by Bonaddio et al. to be a monolithic pillow is traversed. A member of an object is not the object itself but a component of the object. In the present case, the entire article represented in the Bonaddio reference is described as being a "Synthetic Foam Pillow" and as clearly seen from the various views presented the pillow is made up of a core with a laminate wrap. The laminate wrap

is considered to be adhered on its inside surface to the outer surface of the core and then at its abutting free ends shown at the bottom of the pillow. Claim 1 recites that the “pillow” (and not a component or member of the pillow) is a monolithic, visco elastic foam body. This feature, in combination with the other features of the claim 1 invention (e.g., the plurality of foam projections with different support characteristic groupings and maximum height central region), provides for advantages not appreciated in the prior art. This includes providing the benefit of high comfort visco-foam characteristics while avoiding/accomodating the poor spring back characteristic associated with visco-elastic foam (e.g., see the low height ball bounce back test set out in column 1 in US Pat. No. 6,602,579 as a measurement for visco elastic material qualities as well as the discussion in that reference of providing firmer foam backing due to the visco elastic material’s poor spring back quality).

The Bonaddio reference in failing to provide a monolithic pillow also fails to provide the benefit of smooth foam projection absorption by the core in that its adhesive layer would disrupt a clean absorption of the projective material on high compression levels while the monolithic pillow of claim 1 enables its projections to be smoothly absorbed by the core based on no laminate interruptions and a commonality of material at the core/projection interface. This absorption of the projections by the core can include, for example, a complete or 100% absorption in a preferred embodiment as presented in Claim 45 discussed below as to provide a conforming contact surface without interruption on the contact surface of a person’s head.

Nor would it have been obvious to modify the Bonaddio reference as its non-monolithic arrangement is consistent with the tendency in the art to provide interior core members of different construction to counteract the spring back deficiency of visco elastic foam. Also, the outer layer in the pillow of Bonaddio is considered to be a product of rapid production based on a feed through of a lengthy foam pad through a pair of convoluting rollers as believed to be described in the earlier noted US Patents 5534208 and 5688538 and illustrated below in the figure pulled from those patents which are commonly assigned with Bonaddio.



Thus, since the outerwrap in Bonaddio is formed in a rapid production process, it would not have been obvious to convert that process to one forming the projections in association with a monolithic pillow.

In view of the foregoing, it is respectfully submitted that the Bonaddio reference fails to present a pillow that has the features of the claimed invention including the feature of a pillow of a monolithic, visco-elastic foam body. Accordingly, withdrawal of the rejection and allowance of claim 1 and its dependents is respectfully requested.

As to 2) above, the reliance on Veilleux et al is also respectfully submitted to be in error as again a member of an object is not the object itself but a component of the object, and thus it cannot be said that the object is monolithic if it is made up of different components even if one of those components is individually a monolithic component or member, which is the assertion considered to be in error in the Advisory Action. The pillow in Veilleux is described as being formed of multiple components including a body component 11 and an inflatable air chamber core like assembly. There is actually a teaching away in Veilleux from using a monolithic visco-elastic pillow. In its background discussion, there is presented reasons for avoiding a monolithic visco elastic foam body as in column 1, lines 34 to 44 which read as follows:

However, this technology suffers from at least two limitations. First, because the ideal level of neck support varies depending on the user's body size and sleeping position, a pre-formed visco-elastic pillow will not provide adequate neck support for all users in all sleeping positions. Secondly, because the visco-elastic foam molds to the individual, the support in the neck region may not be sufficiently firm. Accordingly, there is a need for a

performed visco-elastic pillow with a neck support which can be custom-adjusted to suit the user's individual needs and sleeping patterns.

The rejected claims associated with the Applicant's discussion B in the prior Amendment such as claim 6 describe the pillow (not a pillow component or member) being formed entirely of visco-elastic foam (again a separatable cloth cover or the like is treated in the present application as a pillow covering and not the pillow and is thus not formed of visco-elastic foam). The claim invention represents a different approach than that of each of the two pillows described above utilizing a non-unitary core component as part of the pillow. The claimed approach in providing different support characteristic projections extending off of a foam body with the foam body and projections formed of a common visco-elastic material and with the pillow itself formed entirely of that material, is not taught or described in the prior art.

For the reasons set out above the relied upon prior art fails to both teach each claimed feature of the present invention and the Veilleux reference actually teaches away from using the presently claimed arrangement.

As to 3) above, the discussion concerning rejection C in the prior Amendment was relative to claims such as claim 31 which includes a ridge projection that is uninterrupted and extends longitudinally across a plurality of projections and other claims describing a third type of projection in the form of a ridge extension as in one at the front and rear edges of the pillow. The obviousness rejections directed at this feature (such as the one appearing in paragraph 12 of the Final Office Action and discussed in the rejection C discussion) relies on modifying the Bonaddio design having an individual hexagonal projection pattern formed across the entire outer surface of the wrap and going around the core and glued to the core and at its abutting free ends. The modification involves modifying the wrap to have the noted longitudinal ridge extensions. In the rejection reliance is placed on Davidson component 32 as a teaching of a longitudinal ridge extension and that it would have been obvious to put a ridge extension like that in Davidson in the Bonaddio reference as already modified by Schaefer.

The point raised in the last Amendment and repeated here is that the “ridge extension” in Davidson actually represented the outer edges of the intermediate band 32, with those extensions extending out away from the base of the projections. It is considered that the projections of band 32 are actually remnants of a cut made to separate a plurality of pillows from a larger pattern. That is, rather than cutting on the border region between the exterior of the projection row’s base for each adjacent pillow pattern and leaving a waste strip between the two pillow patterns, it is easier to just cut at the midpoint to leave two minor extensions. Accordingly as the projections of intermediate band 32 relied upon in the office action are merely remnants brought about in the forming process, there is lacking any teaching or motivation for providing such remnants in the wrap around layer of Bonaddio. In fact, the abutting glued end edges of the wrap in Bonaddio illustrated in Figure 1 are considered to be likely cut locations for providing a pillow size pattern from a larger sheet as like an elongated sheet produced by the convoluted roller assembly shown above in this response.

The other reason set out in the last Amendment why one of ordinary skill in the art would not have attempted to place the relied upon Davidson ridge extensions in the context of the modified Bonaddio is relative to the wrap layer attachment to the core by an adhesive. In order for such extensions to be added in Bonaddio, the cut pattern would have to be exact and the attachment of the wrap would also need to be exactly conducted within close tolerances. Otherwise, the “ridge extension” could either deviate in its horizontal extension (an undesirable slope configuration) and/or not be properly positioned at the desired edge height level, any such deviation would result in an undesirable customer end product configuration. This introduction of difficult alignment parameters would have been avoided by one of ordinary skill in the art (hence the repeating individual same type hexagonal projection pattern in the wrap of Bonaddio).

With regard to D above, claims such as claim 45 do include an arrangement that provides a significant advantage not taught by the prior art. As discussed above, the formation of the foam main body and the first more central group of projections in an arrangement and of a material where the projections are 100% absorbed when in use by that main body provides for the added support characteristics needed in that area while providing a continuous support surface relative

to the head surface doing the compressing. This provides an added degree of user contact surface comfort and goes against the general trend in the art of leaving air cooling channels between compressed projection bases. The prior art fails to disclose or suggest such an arrangement and, in view of the above, the mere reliance on the case of Aller is respectfully submitted not to raise a prima facie case of obviousness and, in any event, be shown not to be applicable in the view of the above described contact support characteristics.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that more than a one month extension of time is required. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032161.066**.

Respectfully submitted,

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